

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS ALBERTO VALENZUELA-HARO,

Defendant.

CASE NO. 2:22-cr-00190-LK

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
DATE

This matter comes before the Court on Defendant Luis A. Valenzuela-Haro's Unopposed Motion to Continue Trial Date. Dkt. No. 18. Mr. Valenzuela-Haro seeks to continue the trial date from January 9, 2023 to June 5, 2023, and to continue the pretrial motions deadline to April 24, 2023. *Id.* at 1–2. The Government does not oppose the motion. *Id.* at 1–2.

Mr. Valenzuela-Haro is charged with Possession of Controlled Substances with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A), (b)(1)(B). Dkt. No. 9 at 1–2.

Mr. Valenzuela-Haro requests a new trial date to allow defense counsel time to “review the discovery in order to conduct investigations and determine appropriate pretrial motions.” Dkt. No. 18 at 2. Reviewing discovery will be a time-consuming process given the volume of discovery,

1 which includes “written reports, laboratory analysis, surveillance, audio recordings of statements
2 to police, GPS location data and/or recordings from controlled buys, and other multimedia
3 materials.” *Id.* Moreover, Mr. Valenzuela-Haro’s primary language is Spanish and he will need
4 the assistance of an interpreter to review discovery and discuss the case with his counsel, which
5 further increases the time defense counsel will need for preparation. *Id.* Mr. Valenzuela-Haro seeks
6 to continue the trial to June 5, 2023 because the government has filed a Notice of Related Case,
7 Dkt. No. 16, linking Mr. Valenzuela-Haro’s case to other cases that are proceeding to trial on that
8 date. *Id.* Mr. Valenzuela-Haro has filed a speedy trial waiver stating that he has “been advised of
9 [his] right to a speedy . . . trial” and he “knowingly, and with advice of counsel, waive[s] [his]
10 right to a speedy trial . . . through June 23, 2023.” Dkt. No. 19 at 1.

11 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
12 granting a continuance outweigh the best interest of the public and Mr. Valenzuela-Haro in any
13 speedier trial. Specifically, the Court finds that failure to grant the requested continuance would
14 likely result in a miscarriage of justice and would deny defense counsel the reasonable time
15 necessary for effective preparation, taking into account the exercise of due diligence, due to
16 counsel’s need for more time to obtain and review discovery, consider pretrial motions and
17 defenses, consult with his client, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The
18 Court finds that the additional time requested is a reasonable period of delay and will be necessary
19 to provide counsel and Mr. Valenzuela-Haro reasonable time to accomplish the above tasks.

20 For these reasons, the Court GRANTS the motion, Dkt. No. 18, and ORDERS that the trial
21 date for Mr. Valenzuela-Haro shall be continued from January 9, 2023 to June 5, 2023. It is further
22 ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the
23 original January 9, 2023 trial date to the new trial date is EXCLUDED when computing the time
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1 within which Mr. Valenzuela-Haro's trial must commence under the Speedy Trial Act. Pretrial
2 motions are due no later than April 24, 2023.

3 Dated this 22nd day of December, 2022.

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5 Lauren King
6 United States District Judge
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